IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 684 OF 2007
IN
SUIT NO. 1106 OF 2007

Jasbir Singh Bagga & Anr. ..Plaintiffs

versus

Delair Singh Ajmani
& Anr. ..Defendants

And

Surjeet Singh Bagga & Anr. ..Intervenors

Dr. Virendra Tulzapurkar with Mr. S. R. Bhalekar for the Plaintiff.

Mr. Mangesh Bansal i/b. M/s. Law Legal for the Defendants.

Mr. Vivek Kantawala I/b. M/s. Vivek Kantawala & Co. for the Intervenors / Applicants.

Mr. Delair Singh Ajmani, Defendant No.1 present in Court.

CORAM : A. M. KHANWILKAR, J.
DATE : 27TH JULY, 2007.

P.C.

. After hearing the counsel for the parties, I find substance in the stand taken on behalf of the Plaintiff that the owner of the trade mark "POPTATES - THE UNRESTAURANT" - is the Plaintiff No.1, which

can be seen from the application made for registration by the Plaintiff No.1 as the sole proprietor, dated 16.3.1999.

2. Indeed, the counsel for the Applicants placed reliance on the Resolution dated 16.3.2007, which however indicates that Mr. Jasbir Singh Bagga, Director of Plaintiff No.2 is authorised to sign, verify, affirm, declare the plaint and other proceedings for the purpose of filing the suit / legal proceedings. This document in no way could assist the Applicants to contend that Plaintiff No.2 is the owner or proprietor of the trade mark in respect of which the Plaintiff No.1 claims to have exclusive right. According to the Plaintiff No.1, Plaintiff No.2 is only a licensee. In fact, presence of the Plaintiff No.2 in the present suit will not be necessary but has been impleaded as proper party being a licensee.

3. In view of the controversy raised by the Applicants, the counsel appearing for the Plaintiffs, on instructions states that the Plaintiff No.2 will be deleted from the array of parties in the suit. As a result, the Applicants

will have no claim whatsoever because they are claiming through the Plaintiff No.2.

4. Accordingly, this Chamber Summons is dismissed on the basis of statement made by the counsel for the Plaintiffs that Plaintiff No.2 will be deleted from the array of parties. Necessary and consequential amendment be carried out by the Plaintiff (No.1), within one week.

(A.M. KHANWILKAR, J.)